

REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicant cancels claim 1 without disclaimer of the underlying subject matter or prejudice against subsequent prosecution thereof. Applicant also amends claims 2 and 6-8, and adds new claims 20-26. Accordingly, claims 2-10 and 16-26 are pending in the application.

Applicant respectfully requests a new Office Action due to facial inconsistencies in the present Office Action. Applicant also respectfully requests reexamination and reconsideration of this application in light of the following remarks.

REQUEST FOR NEW NON-FINAL OFFICE ACTION

The Office Action Summary indicates that only claims 1, 6-10 and 19 are rejected, and indicates that claims 2-4 only face objections. Similarly, page 5 of the Office Action indicates that claims 2-4 “*would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.*”

However, in sections 4b and 4c of the Office Action, at the bottom of page 3 and top of page 4, the Office Action mysteriously discusses claims 2-4 with respect to “Hagen.” The mention of Hagen would not appear to be a typographical error as Hagen et al. U.S. Patent 6,182,030 (“Hagen”) has been cited in prosecution of this application, and the cited portions of text would appear to correspond better to Hagen than to Nagano which is the only reference actually, positively, cited in this Office Action.

It is not clear what the purpose of this text is. There is no clear, explicit statement that claims 2-4 are rejected on any statutory ground at all. There is also no statement that any claims are rejected on any statutory ground on anything having to do with Hagan. If claims 2-4 are indeed being rejected, then it is not possible for Applicant to discern the basis for such rejection, and therefore it is also not possible to determine an opinion of the validity of any such rejection, or to set forth an appropriate response thereto.

The undersigned attorney telephoned Examiner Truong on 17 June 2008 to request a clarification of this matter. However, Examiner Truong explained to the

undersigned attorney that she was just too busy at this time to take any time at all to look at this Office Action or to clarify it. Therefore, the undersigned attorney believes he has no alternative than to request a new non-final Office Action if claims 2-4 are indeed being rejected.

Accordingly, to the extent that claims 2-4 are rejected, Applicant respectfully requests a new non-final Office Action which sets forth a clear basis for such a rejection and which affords Applicant a fair opportunity for response.

35 U.S.C. § 102

The Office Action rejects claims 1, 6-10 and 19 under 35 U.S.C. § 102 over Nagano U.S. Patent 5,570,339 ("Nagano").

Claim 1

By this Amendment, Applicant cancels claim 1 without disclaimer of the underlying subject matter or prejudice against subsequent prosecution thereof. So the rejection thereof is now moot.

Claims 6-7 and 19

Claim 19 depends from claim 6, and claims 6 and 7 are amended to depend from claim 2, which is amended to be in independent form including all limitations of its base claim 1. Claim 2 is not rejected over Nagano and – as best as Applicant can determine from the Office Action – is now allowable.

Accordingly, Applicant respectfully submits that the rejections of claims 6-7 and 19 are now overcome and therefore respectfully requests that they be withdrawn.

Claims 8-10

By this Amendment, claim 8 is amended to include a feature wherein the distortion means includes means for inserting local phase errors in the bitstream of the primary signal. This feature is similar to that recited in claim 2 which – as best as Applicant can determine from the Office Action – has been indicated by the Examiner to define patentable subject matter. Claims 9-10 depend from claim 8.

Accordingly, Applicant respectfully submits that the rejections of claims 8-10 are now overcome and therefore respectfully requests that they be withdrawn.

NEW CLAIMS 20-26

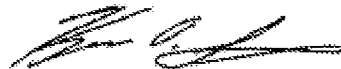
New Claims 20-26 depend variously from claims 2 and 8 and are deemed patentable for at least the reasons set forth above with respect to claims 2 and 8, and for various other novel features recited therein.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 2-10 and 16-26 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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